

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AIR TRANSPORT ASSOCIATION OF AMERICA,
INC. d/b/a AIRLINES FOR AMERICA,

Plaintiff,

v.

MAURA HEALEY, in her official capacity as
Attorney General, Commonwealth of Massachusetts,

Defendant.

Civil Act. No. 1:18-CV-10651-ADB

JOINT MOTION TO AMEND CASE SCHEDULE

Plaintiff Air Transport Association of America, Inc. d/b/a Airlines for America (“Plaintiff”) and Defendant Maura Healey, in her official capacity as Attorney General of the Commonwealth of Massachusetts (“Defendant”) jointly move this Court for a further amendment to the August 16, 2018 Scheduling Order, as amended by this Court’s November 16, 2018, March 6, 2019, and August 15, 2019 Orders. Specifically, for the reasons set forth below, the parties jointly request that the deadlines be amended as follows:

- Completion of Document Production for Remaining Airlines: December 6, 2019.
- Depositions of Airlines (Rule 30(b)(6) and/or Fact Declarants): To be completed by December 20, 2019.
- Defendants’ Expert Reports: Served on or before December 27, 2019.
- Expert Depositions: To be completed by January 24, 2020.
- Plaintiff’s Expert Rebuttal Report: Served on or before February 7, 2020.
- Defendant’s Motion for Summary Judgment: Filed and served on or before February 21, 2020.

- Both Parties' Oppositions to Motions for Summary Judgment:¹ Filed and served on before March 13, 2020.
- Both Parties' Reply Briefs: Filed and Served on or before April 3, 2020.

The further amendment contemplated by this Motion to the as-amended Scheduling Order is necessary due to the practical realities of discovery in this complex, large-scale litigation. As previously detailed, much of the discovery contemplated by the Defendant is discovery from non-party individual airlines, and not Plaintiff (an industry trade association of airlines). The airlines from which Defendant seeks discovery are members of the Plaintiff association. Over the past several months, the parties have worked in good faith to obtain documentary discovery from five airlines in this matter, a case that involves complex constitutional and preemption issues. In addition, per agreement of the parties, Plaintiff has produced transcripts of depositions taken of airline representatives and employees in a case in the United States District Court for the Western District of Washington challenging Washington's paid sick time law on similar grounds. Under the current schedule in this case, the commencement of depositions by Defendant, disclosure of the Defendant's expert report(s), and the taking of expert depositions, are subsequent steps which are contingent upon substantial completion of the individual airlines' document production. Though many of the airlines have substantially completed that process, some document production remains ongoing. Accordingly, the parties have further conferred and agreed to the schedule proposed herein, which sets fixed deadlines within the next several weeks for the airlines' completion of document production, and then sets the subsequent deadlines accordingly.

¹ As detailed in previous joint filings concerning the case schedule for this unique case, Plaintiff has already filed its motion for summary judgment (in November 2018, in accordance with the initial scheduling order), with the understanding among the parties that the agreed discovery and Defendant's filing of its motion for summary judgment would follow after that.

For these reasons, the parties respectfully request that this Court amend the scheduling order in this case as set forth herein.

Respectfully submitted this 14th day of November, 2019.

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America, Inc. d/b/a Airlines for America

Attorneys for Maura Healey

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CERTIFICATE OF SERVICE

I hereby certify that on the date below stated, I electronically file the attached with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered participants identified on the Notice of Electronic Filing.

DATED this 14th day of November, 2019.

/s/ Robert Shea
Robert Shea